

## Message

**From:** Covington, Jeryl [Covington.Jeryl@epa.gov]  
**Sent:** 3/30/2021 8:46:20 PM  
**To:** David A. Ludder [davidaludder@enviro-lawyer.com]  
**CC:** Dorka, Lilian [Dorka.Lilian@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Johnson, Johanna [Johnson.Johanna@epa.gov]; Talbert-Duarte, Angelia [talbert-duarte.angelia@epa.gov]; 'Banister, Beverly' [Banister.Beverly@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Smith, Kevin B. [Smith.Kevin@epa.gov]  
**Subject:** FW: Re: EPA Complaint No. 01R-20-R4  
**Attachments:** 2021.03.15 EFile\_Receipt.pdf; 2021.03.15 Notice of Appeal.pdf

Thank you Mr. Ludder. You may refile your administrative complaint regarding ADEM's issuance of Solid Waste Disposal Facility Permit No. 35-06 for the City of Dothan Sanitary Landfill, within 60 days of the Alabama Court of Civil Appeals' final decision. If the complaint is refiled, then ECRCO will evaluate the complaint to determine whether to accept, reject, or refer it.

Please let us know if you have any questions.

Jeryl W. Covington  
 Environmental Protection Specialist  
 U.S. Environmental Protection Agency  
 Office of General Counsel|External Civil Rights Compliance Office  
 1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524  
 Mail Code: 2310A  
 Washington, DC 20460  
 Desk: (202) 564-7713  
[covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov)

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**From:** David A. Ludder <davidaludder@enviro-lawyer.com>  
**Sent:** Tuesday, March 30, 2021 6:59 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Cc:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; 'Banister, Beverly' <Banister.Beverly@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Smith, Kevin B. <Smith.Kevin@epa.gov>  
**Subject:** Fw: Re: EPA Complaint No. 01R-20-R4

Ms. Covington:

Given the pending judicial appeal of the Dothan Landfill permit issued by ADEM, I request your consideration of a continued tolling of the time for filing a Title VI complaint.

The due date for the complaint without continued tolling is presently April 3.

**David A. Ludder**  
 Law Office of David A. Ludder, PLLC  
 9150 McDougal Ct. | Tallahassee, FL 32312-4208  
 Phone (850) 386-5671 | Fax (203) 306-4110

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----- Forwarded Message -----

From: "David A. Ludder" <[davidaludder@enviro-lawyer.com](mailto:davidaludder@enviro-lawyer.com)>  
 To: "Covington, Jeryl" <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
 Cc: "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; "Rhines, Dale" <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; "Temple, Kurt" <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; "Johnson, Johahna" <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; "Talbert-Duarte, Angelia" <[talbert-duarte.angelia@epa.gov](mailto:talbert-duarte.angelia@epa.gov)>; "Banister, Beverly" <[Banister.Beverly@epa.gov](mailto:Banister.Beverly@epa.gov)>; "Palmer, Leif" <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; "Smith, Kevin B." <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>  
 Sent: 3/15/2021 1:11:38 PM  
 Subject: Re: EPA Complaint No. 01R-20-R4

Please note that the Montgomery County Circuit Court's judgment affirming the Environmental Management Commission's approval of the City of Dothan Landfill permit was appealed today to the Alabama Court of Civil Appeals.

**David A. Ludder**

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 To: "David A. Ludder" <[davidaludder@enviro-lawyer.com](mailto:davidaludder@enviro-lawyer.com)>  
 Cc: "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; "Rhines, Dale" <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; "Temple, Kurt" <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; "Johnson, Johahna" <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; "Talbert-Duarte, Angelia" <[talbert-duarte.angelia@epa.gov](mailto:talbert-duarte.angelia@epa.gov)>; "Banister, Beverly" <[Banister.Beverly@epa.gov](mailto:Banister.Beverly@epa.gov)>; "Palmer, Leif" <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; "Smith, Kevin B." <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>  
 Sent: 2/16/2021 1:01:15 PM  
 Subject: RE: EPA Complaint No. 01R-20-R4

ECRCO is in receipt of your update on the Dothan Sanitary Landfill permit.

ECRCO awaits your conclusion on whether to appeal the Montgomery County Circuit Court's February 2, 2021 decision or to follow-up with ECRCO within the 60-day post decision period.

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**From:** David A. Ludder <[davidaludder@enviro-lawyer.com](mailto:davidaludder@enviro-lawyer.com)>  
**Sent:** Saturday, February 13, 2021 1:20 PM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Cc:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Talbert-Duarte, Angelia <[talbert-duarte.angelia@epa.gov](mailto:talbert-duarte.angelia@epa.gov)>; Banister, Beverly <[Banister.Beverly@epa.gov](mailto:Banister.Beverly@epa.gov)>; Palmer, Leif <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; Smith, Kevin B. <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>  
**Subject:** Re: EPA Complaint No. 01R-20-R4

Dear Ms. Covington:

In the July 27, 2020 letter to me from Ms. Lilian S. Dorka concerning the above-referenced matter, EPA agreed to extend the time for filing an administrative complaint regarding ADEM's issuance of Solid Waste Disposal Facility Permit No. 35-06 for the City of Dothan Sanitary Landfill until 60 days after a decision by the Montgomery County Circuit Court on ADEM's issuance of the permit. That Court entered a decision affirming the permit on February 2, 2021. Accordingly, the 60-day extension will expire on April 3, 2021.

Plaintiffs have 42 days from the court's decision date to file an appeal (March 15, 2021). If an appeal is filed, I will so advise and request a further extension.

**David A. Ludder**

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Cc: "Dorka, Lilian" <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; "Rhines, Dale" <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; "Temple, Kurt" <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; "Johnson, Johahna" <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; "Talbert-Duarte, Angelia" <[talbert-duarte.angelia@epa.gov](mailto:talbert-duarte.angelia@epa.gov)>; "Banister, Beverly" <[Banister.Beverly@epa.gov](mailto:Banister.Beverly@epa.gov)>; "Palmer, Leif" <[Palmer.Leif@epa.gov](mailto:Palmer.Leif@epa.gov)>; "Smith, Kevin B." <[Smith.Kevin@epa.gov](mailto:Smith.Kevin@epa.gov)>  
Sent: 7/27/2020 11:53:48 AM  
Subject: EPA Complaint No. 01R-20-R4

Dear Mr. Ludder:

Attached, please find the rejection and closure of administrative complaint for the above referenced case.

Please do not hesitate to contact us if you have any questions.

Jeryl W. Covington  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Office of General Counsel|External Civil Rights Compliance Office  
1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524  
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